

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KEITH MILLER, individually and on behalf
of all other similarly situated individuals,

Case No.: 1:13-CV-2403-SCJ

Plaintiffs,

v.

FLEETCOR TECHNOLOGIES OPERATING
COMPANY, LLC,

Defendant.

**PLAINTIFF'S UNOPPOSED MOTION
TO MODIFY STIPULATION DEADLINES**

Plaintiff Keith Miller, individually and on behalf of all other similarly situated individuals, by and through his attorneys, submit this Motion to Modify Stipulation Deadlines time in which to file a motion with the Court seeking approval for the proper scope of court-authorized notice and the form and manner of court-authorized notice to be sent to the punitive collective members. In support of this motion, Plaintiff states as follows:

1. Plaintiff filed the this collective action lawsuit individually and on behalf of other similarly situated individuals against Defendant FleetCor Technologies Operating Company, LLC (together "the Parties") on July 18, 2013. (ECF No. 1.)

2. On December 20, 2013, the Parties filed a Joint Stipulation for Conditional Collective Certification (hereinafter “the Stipulation”), agreeing to the conditionally certify this case as an FLSA collective action as to Plaintiff and opt-in plaintiffs from the putative class who have joined this case and members of the putative class who subsequently join before any court-imposed deadline for purposes of discovery.¹ (ECF No. 49.)

3. The Stipulation specifically noted that the Parties dispute the proper scope of court-authorized notice to be sent to members of the putative collective class and set deadlines for the Parties to fully brief the issue to the Court, with Plaintiff’s motion to be filed on or before January 3, 2014, Defendant’s response to be filed on or before January 17, 2014, and Plaintiff’s reply brief on or before January 31, 2014.

4. Plaintiff inadvertently missed the January 3, 2014, deadline, believing that they had agreed to file their motion by January 23, 2014, not January 3, 2014.

5. Plaintiff respectfully request that the Court modify the Stipulation deadlines and Plaintiff be allowed to file his motion on **Thursday, January 23, 2014**, Defendant be permitted to file a response brief on or before **Thursday,**

¹ The Stipulation defined the members of the putative class to include: “any individual who worked for Defendant FleetCor Technologies Operating Company, LLC, in Norcross, Georgia, in the position of “Inside Sales Representative” or “Outbound Sales Representative” at any time from December 15, 2010 to August 1, 2013.” (ECF No. 49.)

February 6, 2014, and Plaintiff's reply be due on or before, **Thursday, February 13, 2014**.

6. Good cause exists to extend the Stipulation deadlines to the deadlines proposed in the instant motion because the Parties have already stipulated to conditional certification, have agreed that notice should be sent to the putative class members, and need to present their arguments to the Court regarding the scope, form, and manner of the notice. Further, Plaintiff's motion is not sought for purposes of delay and will not prejudice either party or otherwise result in significant delay in this matter. Indeed, Plaintiff's motion will be fully briefed within two weeks of the original deadlines.

7. Counsel for movant conferred with counsel for Defendant on Wednesday, January 8, 2014, and Defendant does not oppose this motion.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this Court **GRANT** this Motion to Modify Stipulation Deadlines and extend Plaintiff's time to file a motion with the Court seeking approval for the proper scope of court-authorized notice and the form and manner of court-authorized notice to be sent to the putative collective members to **Thursday, January 23, 2014**, Defendant be allowed to file a response brief on or before **Thursday, February 6, 2014**, and Plaintiff's reply brief be due on or before, **Thursday, February 13, 2014**.

Date: January 9, 2014

Respectfully Submitted,

s/Rachhana T. Srey

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